

**IN THE UNITED STATES DISTRICT COURT
FOR NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Shamarr Stroud,

Case No. 1:18CV807

Petitioner

v.

ORDER

Warden L. Eppinger,

Respondent

The petitioner, Shamarr Stroud, has filed a petition under 28 U.S.C. § 2254 challenging his 1998 conviction in the Common Pleas Court of Cuyahoga County, Ohio, for murder, having a weapon under disability, and possession of cocaine. *State v. Stroud*, 1999 WL 980627 (Ohio App.).

Petitioner has previously challenged this judgment of conviction by way of a habeas petition. *See Stroud v. Bagley*, Case No. 1:01CV337 (N.D. Ohio). Judge Wells denied the petition in 2003 after concluding that all of the petitioner's claims were either procedurally defaulted or meritless. (Doc. 19, *Stroud v. Bagley*, Case No. 1:01CV337 (N.D. Ohio)). According to the docket, the petitioner did not file a notice of appeal.

In 2007, the Sixth Circuit denied the petitioner's request for permission to file a successive petition challenging his Cuyahoga County judgment. *In re Stroud*, Case No. 06-4483 (6th Cir. March 16, 2007).

Because the present petition also attacks the 1998 Cuyahoga County judgment of conviction, and because it does not appear that the petitioner has obtained permission from the Circuit to file it, I

lack subject-matter jurisdiction over this case. *In re Sims*, 111 F.3d 45, 47 (6th Cir. 1997); 28 U.S.C. § 2244(b)(3).

It is, therefore,

ORDERED THAT:

1. The petitioner's motion to proceed in forma pauperis (Doc. 2) be, and the same hereby is, granted; and
2. The clerk of court shall transfer this case to the United States Court of Appeals for the Sixth Circuit.

So ordered.

/s/ James G. Carr
Sr. U.S. District Judge